



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** December 2, 2015

**TO:** Board of Agriculture, Trade and Consumer Protection

**FROM:** Ben Brancel, Secretary  
John Petty, Administrator, Agricultural Resource Management Division

**SUBJECT: ATCP 52 Producer Led Watershed Protection Grant Program; Emergency Rule**

This is to inform you that the Department will adopt the attached emergency rule related to the Producer Led Watershed Protection Grant Program ("Program"). This emergency rule will take effect on February 29, 2016, and will remain in effect until July 28, 2016. The Department can apply for two 60-day extensions to the rule for a total of 270 days. If granted, the emergency rule could be extended to November 25, 2016.

**Related Statutes and Rules**

There are no directly related rules or statutes, other than those cited above.

**Background**

Wisconsin currently has many waterways, lakes, and water impoundments with water quality impairments. These impairments are attributed to a number of sources, including industrial, urban, and agricultural. Because attention to water quality concerns has increased over the last decade, so has attention toward finding innovative solutions to address the causes of water quality impacts. To improve water quality in watershed areas, the Wisconsin Legislature recently passed a law that provides grant funds to agricultural producers that operate farms within a watershed. Effective July 1, 2015, the 2015 Act 55 created Wis. Stat § 93. 59, under which the Department makes grants to qualified groups consisting of agricultural producers that wish to voluntarily conduct nonpoint source water pollution abatement activities. Under section 485 of Act 55, the amount of funds to be allocated for the program shall not exceed \$250,000 annually. The Department may award no more than \$20,000 of grant funding to any producer led group in any state fiscal year.

**RULE CONTENT**

**This emergency rule does all of the following:**

- Defines "legal entity" for the purposes of the Program
- Specifies the application process for a grant
- Specifies activities that may be conducted using a grant

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### ***Fiscal Impact***

This emergency rule will have a fiscal impact on Department operations. Under this emergency rule, the Department must issue at least one request for grant proposals in each state fiscal biennium. Department staff must review grant proposals, recommend grant awards, administer grants, and ensure compliance with applicable requirements. Department staff will also provide technical assistance to grant applicants and recipients, as appropriate.

Program administration will occupy at least 0.25 FTE staff in the Department's Division of Agricultural Resource Management (this does not include legal, managerial, the Department's central accounting, or other indirect staff support). The cost for the 0.25 FTE staff will be \$35,000 per year, including salary, fringe benefits, and support costs.

### ***Analysis and Supporting Documents used to Determine Effect on Small Business***

Because the program is voluntary, no significant analysis was required to determine the effect on small businesses.

### ***Business Impact***

This emergency rule will have no adverse effect on small business. The Producer Led Watershed Protection Grants Program is voluntary and thus imposes no cost on businesses. By providing \$250,000 in grant funding to agricultural producers, the Program will benefit agricultural producers, other agricultural businesses, and communities that participate in the grant program. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger agricultural industry and improved water quality. The Department plans to use proposal procedures that will make the cost of applying insignificant.

### ***Federal and Surrounding State Programs***

#### **Federal Programs**

There are currently no similar federal programs.

#### **Surrounding State Programs**

The Iowa Department of Agriculture funds the Hewitt Creek Watershed Group, which is a producer-led, performance-based farm and watershed management group in eastern Iowa that was formed to improve soil and water quality. The group was established in 2004 in response to the 2002 impaired waters listing of the Hickory Creek, located in the Hewitt-Hickory Creek Watershed. Funding for this project began with an Iowa Farm Bureau Federation grant and additional funding from the Iowa Department of Agriculture has helped to sustain the project.

**WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION**

**EMERGENCY RULE  
Chapter ATPC 52**

The Wisconsin Department of Agriculture, Trade and Consumer protection hereby adopts the following emergency rule *to create* ch. ATPC 52 *relating to* producer led watershed protection grants and affecting small businesses.

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**Analysis Prepared by the Department  
of Agriculture, Trade and Consumer Protection**

This emergency rule implements the "producer led watershed protection grants" program created under s. 93.59 Stats., by 2015 Act 55. Under s. 93.59 Stats., the Department of Agriculture, Trade and Consumer Protection ("Department") is authorized to make grants for nonpoint source pollution abatement activities that are conducted with the assistance of producer led groups. 2015 Act 55 created an annual appropriation in the Department of \$250,000 for each year of the biennium for grants to producer led watershed groups.

This emergency rule does all of the following:

- Defines "legal entity" for the purposes of the grant program
- Specifies the application process for a grant
- Specifies activities that may be conducted using a grant

***Statutes Interpreted***

Statute Interpreted: ss. 93.07 (1) and 93.59, Stats.

***Statutory Authority***

Statutory Authority: ss. 93.07 (1) and 93.59, Stats.

***Explanation of Statutory Authority***

The Department has broad general authority, under s. 93.07(1), Stats., to adopt regulations to enforce laws under its jurisdiction. Under s. 93.59(4), Stats., DATCP is authorized to adopt rules to define legal entity for purposes of the grant program, specify the grant application process, and specify the activities that may be conducted using a grant.

### ***Related Rules or Statutes***

There are no directly related rules or statutes, other than those cited above.

### ***Plain Language Analysis***

The Producer Led Watershed Protection Grants Program ("Program") is designed to encourage producers to develop and use innovative approaches and/or conservation practices that reduce nonpoint source pollution within their watershed(s). The Program will also work to increase producer communication and education regarding environmentally and economically effective conservation activities. 2015 Act 55 appropriated \$250,000 in grant funding for each year of the FY 2015-17 fiscal biennium. The Program will support projects proposed by producer-led groups that involve voluntary nonpoint source pollution abatement activities within their watershed with the purpose of improving water quality in that watershed, as well as efforts to increase additional voluntary farm and agribusiness participation, expanding the overall breadth of the program.

Under s. 93.59 (5), Stats., DATCP may award no more than \$20,000 of grant funding to any producer led group in any state fiscal year.

Grant recipients must meet all of the following eligibility requirements to be considered for funding:

- (a) The producer-led group includes at least 5 agricultural producers each of whom operates an eligible farm, as defined in s.91.86 (1), Stats., in one watershed. The group may include additional agricultural producers who are not required to be operators of eligible farms.
- (b) The group is formed through a memorandum of understanding with one of the following collaborating entities:
  - 1. The department.
  - 2. The department of natural resources.
  - 3. A county land conservation committee.
  - 4. The University of Wisconsin-Extension or the Discovery Farms program of the University of Wisconsin-Extension.
  - 5. A nonprofit conservation organization.
- (c) The group assists agricultural producers in the watershed to voluntarily conduct nonpoint source water pollution abatement activities.
- (d) The group contributes matching funds at least equal to the amount requested.

Wis. Stat. §93.59 (2).

### **Grant Purposes**

Under this emergency rule, the Department awards grants for projects that focus on nonpoint source pollution abatement activities to improve water quality through any of the following methods:

- Startup, work planning, mission development, goal setting, learning days to have experts discuss related topics, etc.
- Provide incentive payments to producers to implement conservation practices such as cover crops, nutrient and manure management planning, no-till, buffer strips, grassed waterways, manure composting, low-disturbance manure injection, etc.
- Measure and promote economic and environmental benefits of conservation practices
- Develop innovative approaches to manure storage, stacking, or conservation equipment-sharing that increases and/or identifies economic and environmental benefits of such practices
- Increase voluntary producer and agribusiness participation in their respective watersheds through education and outreach activities such as hosting conferences, workshops, or field days
- Collaborate with partner(s) for on-farm research that identifies economic and environmental benefits/opportunities of utilizing various conservation practices
- Complete cost-effective edge-of-field and in-stream water quality monitoring and soil testing
- Perform farm walkovers to evaluate farm, manure, and nutrient management practices and identify solutions to resource concerns

### **Use of Grant Funds**

Under this emergency rule, grant funds may be used to reimburse expenses that are determined by the Department to be a reasonable and necessary part of the grant project. Eligible expenses may include, but are not limited to:

- Personnel for coordinator role including expenses for salaries and wages, contract and consulting services, and travel
- Incentive payments for conservation practices
- Outreach and educational activities
  - Field days, workshops, conferences
  - Mailings, creation of marketing and outreach brochures, handouts, factsheets, etc.
  - Materials and supplies
  - Meals for hosted outreach events
- Incentive payments for equipment rentals of innovative technologies used/shared by all producers within the producer-led group, for example covering costs for renting low-disturbance manure injector, no-till drill, etc.
- Edge-of-field and in-stream water quality monitoring and soil testing
- Farm walkovers to identify and evaluate potential or existing resource concerns, nutrient management implementation and other water quality practices

Grant funds may not reimburse any of the following expenses:

- Real estate purchases
- Repayment of loans or mortgages
- Rent or contract payments for time periods extending beyond the term of the grant contract
- Equipment purchases
- Administrative or overhead costs that are not direct costs of the grant project

### **Grant Proposals**

Under this emergency rule, the Department must issue at least one request for grant proposals in each state fiscal biennium (the Department may issue more frequent requests, if it chooses to do so). The request for proposals must describe the required form and content of grant proposals, and must specify a deadline for submitting grant proposals. Applicants must submit grant proposals to the Department, in the manner prescribed within the Department's request for proposals.

### **Grant Awards**

Under this emergency rule, the Department must evaluate grant proposals and issue its grant awards within 45 days after the closing of the grant proposal deadline. The Department must clearly identify each award recipient, the amount of the award, the purposes for which the award is given, and what is to be included in the annual report. At a minimum, the Department must consider all of the following criteria when evaluating grant proposals and making grant awards:

- Whether the proposed project will improve water quality within their respective watershed
- The extent to which a proposed project will increase nonpoint source pollution abatement activities and producer participation
- Whether the proposal complies with the Department's request for proposals
- Whether the proposed project meets the standards prescribed in this emergency rule
- The viability of the proposed project
- The management and technical qualifications of the grant applicant
- The qualifications of the persons, collaborators, and/or legal entities who will carry out the project
- The financial capacity of the grant applicant to complete the project as proposed.
- The adequacy of the project plan and budget
- Whether the grant proposal and budget adequately identifies the nature of project expenses to be reimbursed under the proposed grant

## **Grant Contracts**

Under this emergency rule, the Department must enter into a contract with a legal entity before distributing funds. The contract must spell out grant terms and conditions, including performance requirements, reporting requirements, and payment terms. Grant recipients will be required to file an annual report with the Department.

## ***Fiscal Impact***

This emergency rule will have a fiscal impact on the Department's operations. Under this emergency rule, the Department must issue at least one request for grant proposals in each state fiscal biennium. Department staff must review grant proposals, recommend grant awards, administer grants, and ensure compliance with applicable requirements. Department staff will also provide technical assistance to grant applicants and recipients, as appropriate.

Program administration will occupy at least 0.25 FTE staff in the Department's Division of Agricultural Resource Management (this does not include legal, managerial, the Department's central accounting, or other indirect staff support). The cost for the 0.25 FTE staff will be \$35,000 per year, including salary, fringe benefits, and support costs.

## ***Analysis and Supporting Documents used to Determine Effect on Small Business***

Because the program is voluntary, no significant analysis was required to determine the effect on small businesses.

## ***Business Impact***

This emergency rule will have no adverse effect on small business. The Program is voluntary and thus imposes no cost on businesses. By providing \$250,000 in grant funding to agricultural producers, the Program will benefit agricultural producers, other agricultural businesses, and communities that participate in the grant program. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger agricultural industry and improved water quality. The Department plans to use proposal procedures that will make the cost of applying insignificant.

## ***Federal and Surrounding State Programs***

### **Federal Programs**

There are currently no similar federal programs.

## **Surrounding State Programs**

The Iowa Department of Agriculture funds the Hewitt Creek Watershed Group, which is a producer-led, performance-based farm and watershed management group in eastern Iowa that was formed to improve soil and water quality. The group was established in 2004 in response to the 2002 impaired waters listing of the Hickory Creek, located in the Hewitt-Hickory Creek Watershed. Funding for this project began with an Iowa Farm Bureau Federation grant and additional funding from the Iowa Department of Agriculture has helped to sustain the project.

## ***Data and Analytical Methodologies***

DATCP worked with representatives of the agriculture industry, potential producer-led groups, and collaborators to develop standards for grant determinations contained in this emergency rule.

## ***DATCP Contact***

Questions and comments related to this rule may be directed to:

Sara Walling  
Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911  
Telephone: (608) 224-4501  
E-Mail: [sara.walling@wisconsin.gov](mailto:sara.walling@wisconsin.gov)

Rule comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this rule is approved by the Governor and published in the Wisconsin State Journal.

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## **FINDING OF EMERGENCY**

A finding of emergency is not required. Section 9102 of 2015 Act 55 provides that, “Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of a the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.



## EMERGENCY RULE

### Chapter ATCP 52

#### PRODUCER LED WATERSHED PROTECTION GRANTS

1     **ATCP 52 .01 Purpose.** This chapter implements the producer led watershed protection  
2 grants program created under s 93.59, Stats.

3  
4     **ATCP 52.02 Definitions.** As used in this rule:

5     **(1)** "Department" means the state of Wisconsin department of agriculture, trade and consumer  
6 protection.

7     **(2)** "Legal entity" means an association, corporation, partnership, proprietorship, or trust that  
8 has legal standing according to law.

9     **ATCP 52.03 Application requirements and procedures.**

10    **(1) REQUEST FOR PROPOSALS.** The department shall issue at least one request for proposals in  
11 each fiscal biennium. The request for proposals shall describe the required form and content of  
12 grant proposals, and shall specify a deadline for submitting grant proposals. Applicants must  
13 submit grant proposals to the department, in the manner prescribed by the department's request  
14 for proposals. The department shall publish the request for grant proposals on its webpage. The  
15 department shall also issue a press release announcing its request for proposals to news media  
16 likely to give notice to the public. The department shall announce grant awards within 45 days of  
17 the deadline for submitting grant proposals.

18    **(2) CRITERIA.** The department shall consider all of the following when evaluating grant  
19 proposals and making grant awards:

20       **(a)** Whether the proposed project will improve water quality within their respective  
21 watershed.

22       **(b)** The extent to which a proposed project will increase nonpoint pollution abatement  
23 activities and producer participation.

24       **(c)** Whether the proposal complies with the department's request for proposals.

25       **(d)** Whether the proposed project meets the standards prescribed in this emergency rule.

26       **(e)** The viability of the proposed project.

27       **(f)** The management and technical qualifications of the grant applicant(s).

28       **(g)** The qualifications of the persons, collaborators and/or legal entities who will carry  
29 out the project.

30       **(h)** The financial capacity of the grant applicant to complete the project as proposed.

31       **(i)** The adequacy of the project plan and budget.

32       **(j)** Whether the grant proposal and budget adequately identifies the nature of project  
33 expenses to be reimbursed under the proposed grant.

1       **ATCP 52.04 Grant activities.** The department may award grants for projects undertaken by  
2 agricultural producers that are designed to do any of the following:

- 3       (1) Startup, work planning, mission development, goal setting, learning days to have experts  
4       discuss related topics, etc.
- 5       (2) Provide incentive payments to producers to implement conservation practices such as  
6       cover crops, nutrient and manure management planning, no-till, buffer strips, grassed  
7       waterways, manure composting, low-disturbance manure injection, etc.
- 8       (3) Measure and promote economic and environmental benefits of conservation practices
- 9       (4) Develop innovative approaches to manure storage, stacking, or conservation equipment-  
10      sharing that increases and/or identifies economic and environmental benefits of such  
11      practices
- 12      (5) Increase voluntary producer and agribusiness participation in their respective watersheds  
13      through education and outreach activities such as hosting conferences, workshops or field  
14      days
- 15      (6) Collaborate with partner(s) for on-farm research that identifies economic and  
16      environmental benefits/opportunities of utilizing various conservation practices
- 17      (7) Complete cost-effective edge-of-field and in-stream water quality monitoring and soil  
18      testing
- 19      (8) Perform farm walkovers to evaluate farm, manure, and nutrient management practices  
20      and identify solutions to resource concerns

21       **ATCP 52.05 Permitted use of grant funds.** Permitted uses for grant funds include the  
22 following:

- 23      (1) Personnel for coordinator role including expenses for salaries and wages, contract and  
24      consulting services, and travel at rates to be described in the annual request for proposals  
25      developed by the department.
- 26      (2) Incentive payments for conservation practices.
- 27      (3) Outreach and educational activities including:
  - 28          (a) field days, workshops and conferences;
  - 29          (b) mailings, creation of marketing brochures, handouts, factsheets, and related  
30          documents.;
  - 31          (c) materials and supplies; and
  - 32          (d) meals for hosted outreach events.
- 33      (4) Incentive payments for equipment rentals of innovative technologies used or shared by  
34      all producers within the producer led group, including but not limited to covering costs  
35      for renting low-disturbance manure injector and no-till drill.
- 36      (5) Cost effective edge-of-field and water quality monitoring and soil testing.
- 37      (6) Farm walkovers to identify and evaluate potential or existing resource concerns,  
38      nutrient management implementation and other water quality practices.

**ATCP 52.06 Prohibited uses of grant funds.** Grant funds may not be used for any of the following:

- (1) Real estate purchases.
- (2) Repayment of loans or mortgages.
- (3) Rent or contract payments for time periods extending beyond the term of the grant contract.
- (4) Equipment purchases.
- (5) Administrative or overhead costs that are not direct costs of the grant project.

**ATCP 52.07 Grant contracts.**

**(1) CONTRACT REQUIRED.** A successful grant applicant shall enter into a contract with the department before any grant money is distributed to the applicant. No funding commitment is final until the contract is executed.

(2) **CONTRACT PROVISIONS.** A grant contract shall be reasonably designed to ensure that the grant recipient carries out the recipient's obligations with respect to the grant. The contract shall be signed by an authorized department official and by the applicant. The parties may amend the contract by mutual written consent.

(3) **BREACH OF CONTRACT.** The department may void a contract and seek return of any funds released under the contract for failure by the award recipient to perform the recipient's obligations under the contract.

**(4) REPORTING.** Every contract shall set forth a schedule of progress reports and payments. A grant recipient shall provide the department with a final progress report. Reimbursement payments shall be conditioned upon the receipt of reimbursement requests, and reports, as provided in the contract.

**EFFECTIVE DATE AND DURATION:** This emergency rule takes effect upon publication and remains in effect for 150 days. The department may seek to extend this emergency rule as provided in s. 227.24, Stats.

Dated this            day of            , 2015.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By Ben Brancel, Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection

**Final Regulatory Flexibility Analysis**

**Rule Subject:** Producer led Watershed Protection Grant Program  
**Adm. Code Reference:** ATCP 52  
**Rules Clearinghouse #:** N/A  
**Department Docket #:** 15-R-10

*Rule Summary*

**General**

This emergency rule implements the Program created under s. 93.59 Stats., by 2015 Act 55. Under s. 93.59 Stats., the Department of Agriculture, Trade and Consumer Protection ("Department") is authorized to make grants for nonpoint source pollution abatement activities that are conducted with the assistance of producer-led groups. 2015 Act 55 created an annual appropriation in the Department of \$250,000 for each year of the biennium for grants to producer led watershed groups.

**Grant Purposes**

Under this emergency rule, the Department makes award grants for projects that focus on nonpoint source pollution abatement activities to improve water quality through any of the following methods:

- Startup, work planning, mission development, goal setting, learning days to have experts discuss related topics, etc.
- Provide incentive payments to producers to implement conservation practices such as cover crops, nutrient and manure management planning, no-till, buffer strips, grassed waterways, manure composting, low-disturbance manure injection, etc.
- Measure and promote economic and environmental benefits of conservation practices.
- Develop innovative approaches to manure storage, stacking, or conservation equipment-sharing that increases and/or identifies economic and environmental benefits of such practices.
- Increase voluntary producer and agribusiness participation in their respective watersheds through education and outreach activities such as hosting conferences, workshops, or field days.
- Collaborate with partner(s) for on-farm research that identifies economic and environmental benefits/opportunities of utilizing various conservation practices.
- Complete cost-effective edge-of-field and in-stream water quality monitoring and soil testing.
- Perform farm walkovers to evaluate farm, manure, and nutrient management practices and identify solutions to resource concerns.

This emergency rule does all of the following:

- Defines "legal entity" for the purposes of the grant Program
- Specifies the application process for a grant
- Specifies activities that may be conducted using a grant

### ***Small Businesses Affected***

#### ***Analysis and Supporting Documents used to Determine Effect on Small Business***

Because the program is voluntary, no significant analysis was required to determine the effect on small businesses.

#### ***Business Impact***

This emergency rule will have no adverse effect on small business. The Program is voluntary and thus imposes no cost on businesses. By providing \$250,000 in grant funding to agricultural producers, the Program will benefit agricultural producers, other agricultural businesses, and communities that participate in the grant program. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger agricultural industry and improved water quality. The Department plans to use proposal procedures that will make the cost of applying insignificant.

#### ***Reporting, Bookkeeping and other Procedures***

The proposed rule contains reporting requirements for grant recipients, some of which may be small businesses, to demonstrate progress towards project goals and overall success of their proposed projects. Beyond that, the proposed rule does not create any new reporting, bookkeeping, or other procedures for small businesses.

#### ***Professional Skills Required***

The proposed rule does not require any new professional skills by small businesses.

#### ***Accommodation for Small Business***

The agricultural producers that will participate in the Program will primarily be small businesses. The Program is voluntary. To ease participation of those small businesses the Department will work to make the application process as simple as possible.

#### ***Conclusion***

This rule will have no adverse effect on small business. Because participation in the program is voluntary, there will be no negative economic impact produced by the proposed rule. The proposed rule will enable the Department to provide grants to producer led groups that wish to

assist agricultural producers in a watershed to voluntarily conduct nonpoint source water abatement activities. Grant funds should positively impact businesses that provide goods and services used in abatement activities under this rule. This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in s. 227.22(2)(e), Stats.

Dated this 4<sup>th</sup> day of December, 2015.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
John Petty, Administrator  
Division of Agricultural Resource Management

<b>FISCAL ESTIMATE</b> DOA-2048 (R 10/94) <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> <b>SUPPLEMENTAL</b>	<b>LRB or Bill No. / Adm. Rule No.</b> Ch. ATPC 52 <hr/> <b>Amendment No. (If Applicable)</b>
<b>Subject:</b> <b>Emergency Rule for Producer led watershed protection grant program</b>	
<b>Fiscal Effect</b> State: <input checked="" type="checkbox"/> No State Fiscal Effect  Check below only if <b>bill</b> makes a direct appropriation or affects a sum sufficient appropriation.  <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input checked="" type="checkbox"/> Increase Costs –  May be possible to absorb within agency's budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
<b>Local :</b> <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs                      4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<b>5. Types of Local Gov. Unit Affected:</b> <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Counties <input type="checkbox"/> Cities <input type="checkbox"/> Other: <u>County Drainage</u> <b>Boards</b> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<b>Fund Source Affected:</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected Ch. 20 Appropriations:</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p>This emergency rule implements the Producer Led Watershed Protection Grants Program ("Program") created under s. 93.59 Stats., by 2015 Act 55. Under s. 93.59 Stats., the Department of Agriculture, Trade and Consumer Protection ("Department") is authorized to make grants for nonpoint source pollution abatement activities that are conducted with the assistance of producer-led groups. 2015 Act 55 created an annual appropriation in the Department of \$250,000 for each year of the biennium for grants to producer-led watershed groups.</p> <p>This emergency rule does all of the following:</p> <ul style="list-style-type: none"> <li>• Defines "legal entity" for the purposes of the Program</li> <li>• Specifies the application process for a grant</li> <li>• Specifies activities that may be conducted using a grant</li> </ul> <p>This emergency rule will have a fiscal impact on DATCP operations. Under this emergency rule, the Department must issue at least one request for grant proposals in each state fiscal biennium. Department staff must review grant proposals, recommend grant awards, administer grants, and ensure compliance with applicable requirements. Department staff will also provide technical assistance to grant applicants and recipients, as appropriate.</p>	

Program administration will occupy at least 0.25 FTE staff in the Department's Division of Agricultural Resource Management (this does not include legal, managerial, the Department's central accounting, or other indirect staff support). The cost for the 0.25 FTE staff will be \$35,000 per year, including salary, fringe benefits, and support costs. The dollars allocated to this program do not represent a new state expenditure, however the \$250,000 allocated are being redirected from the existing SEG cost-share fund, which also is to be used for nonpoint source abatement activities.

**Long - Range Fiscal Implications**

Because the dollars allocated to the Program do not represent a new state expenditure and the \$250,000 allocated are being redirected from the existing SEG cost-share fund, the Department does not expect that future costs for the program will differ significantly from current allocated budgets.

**Agency Prepared by (Name & Phone No.):**  
DATCP / Sara Walling  
(608-224-4501)

**Authorized Signature:**

**Date:**

December 2, 2015



**FISCAL ESTIMATE WORKSHEET****2014 SESSION**

Detailed Estimate of ☒ ORIGINAL ☐ UPDATED  
 Annual Fiscal Effect ☐ CORRECTED ☐  
 DOA-2047 (R10/94) SUPPLEMENTAL

<b>LRB or Bill No/Adm. Rule No.</b> ATCP 52	<b>Amendment No.</b>
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**SUBJECT**

Emergency Rule

**I. One-time Cost or Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

<b>II. Annualized Cost:</b>	<b>Annualized Fiscal Impact on State funds from:</b>	
<b>A. State Costs by Category</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
1. State Operations - Salaries and Fringes	\$-35000	\$ - 0
2. (FTE Position Changes)	.25 ( FTE)	(- FTE)
3. State Operations - Other Costs		
4. Local Assistance		- 0
5. Aids to Individuals or Organizations	0	- 0
<b>TOTAL State Costs by Category</b>	<b>\$-35,000</b>	<b>\$ - 0</b>
<b>B. State Costs by Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
1. GPR	\$	\$ - 0
2. FED	0	- 0
3. PRO/PRS	0	- 0
4. SEG/SEG-S	\$-0	- 0
<b>III. State Revenues -</b> Complete this section only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees)	<b>Increased Revenue</b>	<b>Decreased Revenue</b>
• GPR Taxes	\$ 0	\$ - 0
• GPR Earned	0	- 0
• FED	0	- 0
• PRO/PRS	0	- 0
• SEG/SEG-S	0	- 0
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ - 0</b>

**NET ANNUALIZED FISCAL IMPACT**STATELOCAL

NET CHANGE IN COSTS

\$ 35,000\$ 0

NET CHANGE IN REVENUES

\$ 0\$ 0

<b>Agency Prepared by (Name &amp; Phone No.):</b> DATCP / Sara Walling (608-224-4501)	<b>Authorized Signature:</b>	<b>Date:</b> November 19, 2015
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